

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAPER FILED \_\_\_\_\_  
CIV. PRO SE \_\_\_\_\_  
DATE: 7/24/07  
BY: MMM \_\_\_\_\_

SAMUEL L. JONES JR.,	:	X
	:	
Plaintiff,	:	
	:	
v.	:	07 Cv. 5693 (BSJ)
	:	
INFINITY BROADCASTING CORP. OF WASHINGTON, D.C. n/k/a C.B.S RADIO INC.	:	<u>Preliminary Injunction</u>
OF WASHINGTON, D.C.	:	
	:	
Defendant.	:	
	:	X

**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Defendant Infinity Broadcasting Corporation of Washington, D.C., now known as, CBS Radio Inc. of Washington D.C. ("CBS Radio") moved for a preliminary injunction against Plaintiff Samuel L. Jones ("Jones") and Radio One, Inc. ("Radio One") to enjoin Jones and Radio One from using the trademark HUGGY LOWDOWN until May 26, 2008. On July 23, 2007, I conducted a hearing on that motion. At that hearing, CBS Radio established that: (1) in the absence of an injunction, it will suffer irreparable harm; and (2) there is a likelihood of success on the merits of CBS Radio's claim that the personal service agreement between it and Jones remained in effect until May 26, 2007, and that in accordance with the License Agreement entered into by Jones and CBS Radio, WPGC-FM, a CBS-owned and operated radio station in Washington, D.C. has exclusive use of the HUGGY LOWDOWN mark until May 26, 2008. In addition, I also found that

CBS Radio also met the alternate standard for issuing a preliminary injunction, because (1) CBS Radio raised serious questions going to the merits of its case, and these questions are fair ground for litigation, and (2) the balance of hardships tips in CBS Radio's favor.

Effective July 23, 2007 at 6:30 p.m., I ordered the following: Pursuant to Federal Rule of Civil Procedure 65(b), Jones and Radio One, and all those acting in concert or participation with them are preliminary enjoined from using the HUGGY LOWDOWN mark in any way in connection with any radio broadcast or promotion within the Washington, D.C. Total Survey Area, as defined by the Arbitron ratings service, until May 26, 2008. In accordance with Federal Rule of Civil Procedure 65(c), CBS Radio is to post a bond in the amount of \$250,000, as security. The bond is to be filed with the Clerk of Court by 5 p.m. on Wednesday, July 25, 2007.

SO ORDERED:

  
\_\_\_\_\_  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
July 24, 2007

**ORIGINAL**

Bruce P. Keller (BK-9300)  
Jeremy Feigelson (JF-4963)  
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*Attorneys for Defendant and Third Party/Counterclaim Plaintiff  
Infinity Broadcasting Corporation of Washington, D.C. n/k/a  
CBS Radio Inc. of Washington, D.C.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
SAMUEL L. JONES JR.,

Plaintiff,

: No. 07 Civ. 5693 (BSJ) (AJP)

-against-

INFINITY BROADCASTING CORPORATION OF  
WASHINGTON, D.C. n/k/a CBS RADIO INC. OF  
WASHINGTON, D.C.,

Defendant.

: ~~REBECOMMENDED ORDER TO~~  
SHOW CAUSE FOR  
PRELIMINARY  
INJUNCTION AND  
TEMPORARY  
RESTRAINING ORDER

-----x  
INFINITY BROADCASTING CORPORATION OF  
WASHINGTON, D.C. n/k/a CBS RADIO INC. OF  
WASHINGTON, D.C.,

Counterclaimant and Third-Party Plaintiff,

-against-

SAMUEL L. JONES JR.,

Counterclaim Defendant, and

RADIO ONE, INC.,

Third-Party Defendant.

x

Upon the accompanying declarations of Jeremy Feigelson, Marissa M. Grimes, Christopher Paul McMillian, Samuel Rogers and Reggie Rouse together with the exhibits annexed thereto and all pleadings and proceedings had herein,

IT IS HEREBY ORDERED, that Samuel L. Jones Jr. ("Jones") and Radio One, Inc. ("Radio One") show cause before the Hon. Barbara S. Jones, United States District Judge, at Courtroom 18B in the United States Courthouse located at 500 Pearl Street, New York, New York on July 3, 2007 at 3:00 p.m. or as soon thereafter as counsel can be heard, why a PRELIMINARY INJUNCTION should not issue, pursuant to Rule 65 of the Federal Rules of Civil Procedure, pending final disposition of this action, enjoining Jones and Radio One and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, from using the HUGGY LOWDOWN mark in any way in connection with any radio broadcast or promotion within the Washington, D.C. "Total Survey Area" as defined by Arbitron ([http://www.arbitron.com/Radio\\_Stations/reference.htm](http://www.arbitron.com/Radio_Stations/reference.htm)) through May 26, 2008.

IT IS FURTHER ORDERED, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, that pending the hearing and determination of Defendant's application for a preliminary injunction, Jones and Radio One and all those acting in concert or participation with them BE, AND HEREBY ARE, TEMPORARILY RESTRAINED from using the HUGGY LOWDOWN mark in any way in connection with any radio broadcast or promotion within the Washington, D.C. Total Survey Area.

IT IS FURTHER ORDERED that, sufficient cause having been shown, personal service of this Order, together with the papers upon which it was granted, shall be good and sufficient if delivered to the offices of counsel for Jones and Radio One, Stephen Sussman, Lebensfeld Borker Sussman & Sharon LLP, on or before 5:00 o'clock p.m. on July 20 2007.

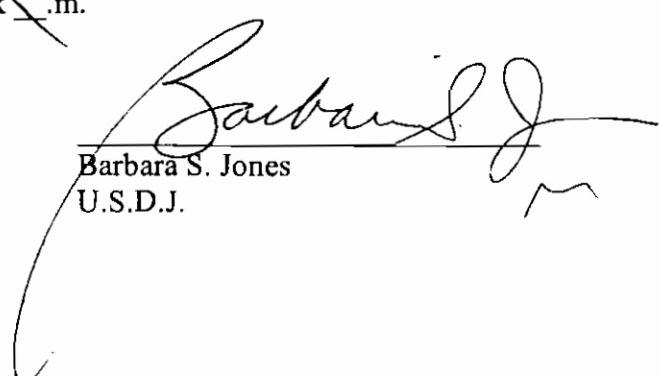
IT IS FURTHER ORDERED that any papers in opposition to the application for a preliminary injunction shall be served by hand or ECF on Defendant's counsel and on this Court on or before 5:00 o'clock p.m. on July 20, 2007, and any reply papers shall be served by hand on Jones and Radio One or their counsel and on this Court on or before 5:00 o'clock p.m. on July 21, 2007.

IT IS FURTHER ORDERED that Defendant shall post security in the amount of

\$ \_\_\_\_\_ prior to July \_\_\_\_\_, 2007 at \_\_\_\_\_ o'clock p.m.

Dated: New York, New York  
July \_\_\_\_\_, 2007

Issued: \_\_\_\_\_ o'clock p.m.

  
Barbara S. Jones  
U.S.D.J.